

## Senate Bill 164

### Protecting People, Property, and Montana's Most Celebrated Rivers

SB 164 asks county governments to develop conservation measures along 10 "Legacy Rivers" to help provide protection to people, property, and our rivers. It is left up to local county governments to decide what is included in conservation measures.

The 10 Montana Legacy Rivers were identified for their outstanding economic, biological, and recreational values (see map and list of rivers on reverse side). All but one of the Legacy Rivers cross county lines. Because unwise riverside development in upstream counties can have profound impacts on property in downstream counties, it is appropriate for the Montana Legislature to set up a system of conservation measures on these large and important rivers.

#### What Conservation Measures Might be Adopted Under SB 164?

Conservation measures are not specified in SB 164. However, they should be designed to:

- Reduce costly flood and erosion damage by steering development away from known flood hazard areas;
- Protects private property rights by ensuring that actions of upstream landowners do not harm downstream landowners;
- Give local governments control over the tools they need to manage their rivers;
- Prevent water pollution from stormwater runoff, lawn chemicals, and individual wastewater systems;
- Shield local governments from lawsuits brought by homeowners whose homes are damaged by flooding and erosion;
- Preserve critical fish and wildlife habitat;
- Ensure high-quality recreational opportunities for anglers and boaters who value scenery and solitude; and
- In the case of any adopted regulations, include a variance process to make sure no one loses the ability to build on an existing lot, and a grandfather clause to ensure that existing homes are not impacted.

#### What SB 164 does NOT do:

- It does NOT deprive riverfront landowners of the opportunity to build on their lots;
- It does NOT apply within incorporated cities and towns;
- It does NOT grant public access to private property.

### Commonly Asked Questions

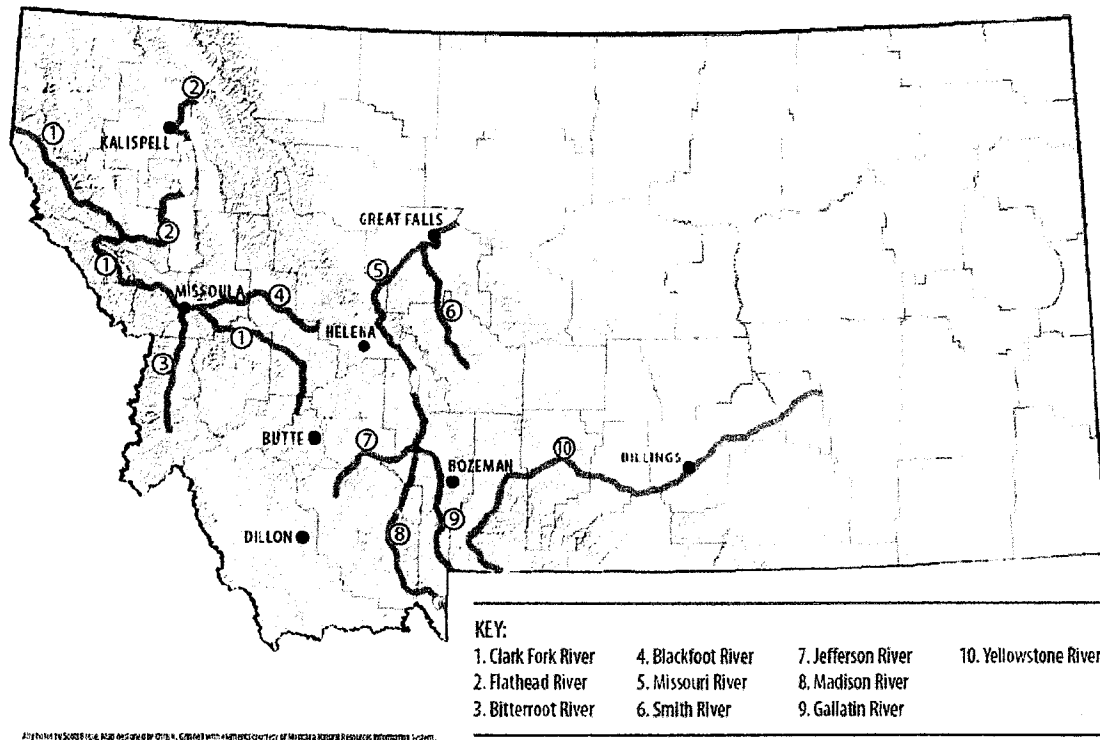
#### Are specific conservation measures mandated?

It will be up to individual county governments to decide what their conservation measures will be and how they will be enacted. Conservation measures can be voluntary.

**Many of Montana cities and towns are located on legacy rivers. What will the impact be on cities and towns?** Incorporated cities and towns are specifically excluded from the requirements of SB 164. The bill only applies to "county or a consolidated city-county government." The only two consolidated city-county governments in Montana are Butte-Silver Bow and Anaconda-Deer Lodge (NOTE: Butte and Anaconda are not on Legacy Rivers so those cities are not affected by the SB 164).

### What are the Legacy Rivers identified in SB 164?

The Legacy Rivers designated by SB 164 are shown on the map below.



**Isn't SB 164 a "taking" of private property?** Any conservation measures adopted by counties will need to ensure that there is no "taking" of private property. It is important to note that SB 164 does not authorize any new rights to counties in regard to private property.

### A Final Word

Riverside development can:

- Put people and their homes in the path of devastating floods;
- Sacrifice the feeling of remoteness floating a Montana river; and
- Degrade the very resources that attract people to build along rivers in the first place—clean water, fish, wildlife and recreation.

SB 164 is a fair, common sense solution to protect our rivers—specific conservation measures will be enacted by local counties—with citizen input and support—based on what works for their county.

**Please support SB 164!**